

**REMARKS**

In response to the Office Action mailed September 9, 2005, Applicants respectfully request reconsideration. Claims 1-11 were previously pending in this application, with claims 12-80 being withdrawn. Claim 1 has been amended. No claims have been canceled and no new claims have been added. As a result, claims 1-11 are pending for examination with claim 1 being independent. No new matter has been added.

**Summary of Embodiments of Applicants' Invention**

An example of one embodiment of Applicants' invention is described below to highlight some aspects of the invention. This embodiment is described primarily in the specification at page 5, lines 1-11; page 19, lines 11-18; and page 20, lines 12-14. It should be appreciated that the description below is merely an example of one of the many embodiments that fall within the scope of Applicants' claims and is provided merely for the purpose of highlighting some aspects of Applicants' invention.

A selector module is described for enabling a user to select one of multiple electroacoustic formats of a hearing aid test unit (page 19, lines 11-18). An acoustical format defines a frequency response of the hearing aid device across an audible range of acoustical inputs (page 20, lines 12-14). The hearing aid test unit is similar to a form and fit of a mass produced hearing aid device, which is programmed with a fixed acoustical format (page 5, lines 1-11). Therefore a user may use the selector module to compare the various electroacoustic formats and determine an optimal format for use (page 19, lines 13-18). In other words, a user needs only to select one of the electroacoustic formats in order to determine which production hearing aid best meets the patient's needs. Thus, it is no longer necessary for an audiologist to adjust the response of a hearing aid device by changing one parameter at a time (page 5, lines 1-7).

**Rejections Under 35 U.S.C § 102 and § 103**

The Office Action rejects claims 1, 4, and 7-11 under 35 U.S.C § 102(b) as being anticipated by Voroba et al., U.S. Patent No. 4,759,070 (Voroba). The Office Action also rejects claims 2, 3, 5, and 6, under 35 U.S.C § 103(a) as being unpatentable over Voroba in view of

Lyregaard, U.S. Patent No. 4,712,245 (Lyregaard). Applicants respectfully traverse these rejections.

Voroba illustrates a programmable patient controlled master hearing aid which consists of a hearing aid test module, an operator's console and a patient's console, all of which are interconnected to provide a testing apparatus that is used by the patient to select electronic components to be employed in a hearing aid (abstract). The patient, by paired comparative selections, chooses from various electronic components that will give the preferred saturation sound pressure level (S.S.P.L), the preferred gain of the hearing aid and the preferred frequency response slope of the sound (Col. 3, lines 26-32). Electronic components are presented to the patient in a paired comparison decision tree format (Col. 3, lines 38-42). Two parameters are initially set and the patient steps through choices for the third parameter, indicating the preferred sound quality which best assists the hearing loss. That parameter and one of the remaining parameters are then set and the patient comparatively evaluates the second variable parameter (Col. 42-51). Thus, the patient may receive a hearing aid customized for the patient's individual needs.

Claim 1 (as amended) is directed to a method of selecting an acoustical format for a hearing impaired user. The method comprises the steps of providing a hearing aid test unit that simulates a production hearing aid to be supplied to a user, and coupling a selector module to the test unit whereby the user may select one of multiple electroacoustic formats, each electroacoustic format corresponding to a fixed acoustical format programmed in a particular production hearing aid.

Voroba does not teach or suggest coupling a selector module to the test unit whereby the user may select one of multiple electroacoustic formats corresponding to a fixed acoustical format programmed in a particular production hearing aid, as recited in claim 1 as amended. Voroba instead teaches away from the claimed invention. Voroba teaches a console which may be used to step through a series of parameters to determine an optimal setting (Col. 3, lines 38-52). As discussed in the summary of embodiments above, selecting a single electroacoustic format will enable a patient to determine the optimal production hearing aid for the patient's needs, therefore eliminating the need to step through various parameters one at a time (page 5, lines 1-7). Claim 1 as amended is therefore patentably distinct from Voroba.

Claims 2-11 depend from claim 1 and are therefore patentably distinct from the prior art of record for at least the same reasons. Withdrawal of these rejections are respectfully requested.

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: 12/8/5